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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,156	11/12/2003	Erol Bozak	09700.0036-00	8253
22852	7590	07/11/2007		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER	
			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	
			MAIL DATE	DELIVERY MODE
			07/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/712,156

Applicant(s)

BOZAK ET AL.

Examiner

Yasin M. Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/11/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**Response to Amendment**

The amendment filed on April 11, 2007 has been fully considered but are moot in view of the new ground(s) of rejection.

- Claims 9-18 have been withdrawn.
- Claims 1 and 19 have been amended
- New claims 21 and 22 have been added
- Claims 1-8 and 19-22 are presented for examination.
- 

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al U.S. Patent Number

Art Unit: 2153

(5699532) hereinafter "Barrett" in view of Sridhar et al U.S.

Patent Number (6098108), hereinafter "Sridhar".

As per claim 1,19 and 21, Barrett teaches a method comprising:

receiving, from an application process, a document  
specifying a communication protocol and a communication channel

"The XID message of FIG. 5 comprises a header field 90  
identifying the type of local station, the address of the  
destination and the length of the XID message. Field 91 carries  
an identification of the multi-path channel group to be  
activated while field 92 contains the status of the multi-path  
channel group (active or inactive). Field 93 contains an  
identification of a particular user protocol, for example, the  
SNA protocol" col. 9, lines 8-31 and col. 16, lines 47-52);

reading the document (col. 7, lines 9-54);

instantiating the communication channel with the  
application process using the communication protocol (A user  
application such as user application 60 in FIG. 4 communicates  
with the multi-path channel interface such as interface 61 in  
FIG. 4 by means of messages directing the MPC to allocate,  
activate, and deactivate multi-path channel groups, and to start  
sending data and complete sending data" col. 8, lines 49-64 and  
col. 9, lines 39-59)

Art Unit: 2153

sending communications to the application process using the communication protocol through the communication channel (col. 9, lines 39-59. See also col. 11, lines 44-51); and

receiving communications from the application process using the communication protocol through the communication channel (Once the sub-channels of a transmission group are physically enabled, one or more exchange identification (XID) messages are exchanged between the two ends of each sub-channel to prepare for the transmission of user data. As discussed in connection with FIGS. 5 and 6, part of this exchange may be to determine the user protocols and to negotiate desired transmission parameters such as buffer sizes or link sizes. Col. 8, lines 49-64 and col. 9, lines 39-59. See also col. 11, lines 44-51);

determining whether the communication channel requires communication with at least one of the computer device (col. 11, lines 14-43).

Although Barrett shows substantial features of the claimed invention, Barrett is silent regarding accessing properties (file) information reflecting addresses of computer devices. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Barrett, as evidenced by Sridhar USPN. (6098108).

Art Unit: 2153

In analogous art, Sridhar whose invention is about distributed directory for enhanced network communication discloses accessing properties information reflecting addresses of computer devices (col. 25, lines 9-56). Giving the teaching of Sridhar, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Barrett by employing the distributed directory system of Sridhar in order to provide communication services needed to communicate using specified enhanced communication protocol and to forward packets to the appropriate device based on the accessed network address.

As per claim 2, 20 and 22, Barrett teaches the method of claim 1 further comprising:

    sending a request for data describing the application process and its requirements and receiving data describing the application process and its requirements (col. 9, lines 9-59. See also col. 11, lines 14-51).

As per claim 3, Barrett teaches the method of claim 2 wherein the data comprises process identification or degree of consumption of a resource by the application process (col. 7, lines 34-45 and col. 10, lines 12-30)

Art Unit: 2153

As per claim 4, Barrett teaches the method of claim 3 wherein the data further comprises a definition of the resource (col. 7, lines 34-45 and col. 10, lines 12-30 and fig. 5-6).

As per claim 5, Barrett teaches the method of claim 3 wherein the resource comprises one or more of a central processing unit, memory, socket bindings, memory storage space, and communication bandwidth (col. 7, lines 34-45 and col. 10, lines 12-30).

As per claim 6-8, Barrett shows performing actions such allocate, de-allocate process a command to the application process to perform an action, wherein the action is one of start, stop, wait, resume, and change priority (col. 7, lines 34-45 and col. 8, lines 3-11 and 49-65).

### Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS**

Art Unit: 2153

of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.




Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153

  
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